IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1513 OF 2005

Anand Oak ..Petitioner.

Versus

University of Mumbai & Ors. ..Respondents.

Mr. A. S. Oka, Petitioner in person present.
Mr. Rui Rodrigues for Respondent Nos. 1 to 3.
Mr. Pradeep Jadhav, A. G. P. for Respondent No.4.

CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 8TH AUGUST, 2005

P.C.

Respondent Nos. 2 and 3 are the Vice Chancellor and the Registrar of Respondent No.1. Respondent No.4 is the State of Maharashtra.

2. The Petitioner has sought a Writ of Mandamus directing Respondent Nos.1 to 3 to notify vide a public notice, that the word "Graduate" in section 99 of the Maharashtra Universities Act, 1994 shall be read to mean and include Master's and/Doctorates (Ph.D.) and that they are entitled to have their names entered in the register

of registered graduates and further shall be entitled to vote in the forthcoming Senate election. Section 99 of the said Act reads as under :

> "Registered graduates. (1) Subject to the provisions of sub-section (2), the following persons shall be entitled to have their names entered in the register of registered graduates or deemed to be registered graduates, maintained by the University, namely :-
>
> (a) who are graduates of the University;
>
> (b) who are graduates of the parent University from which corresponding new University is established: Provided that the graduates registered in the parent University as registered graduates but residing in the jurisdiction of the new University will have to apply for registration as registered graduates to the new University and once registered with the new University they will automatically cease to be a registered graduates of the parent University.
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> 2. A person who-
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> (a) is of unsound mind and stands so declared by a competent Court;
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> (b) is an undischarged insolvent;
>
> (c) is convicted for an offence involving moral turpitude;

(d) is a registered graduate of any other University established by law in the State of Maharashtra;
Shall not be qualified to have his name entered in the register of graduates, or be a registered graduate.

3. Every person who intends to be registered graduate shall make an Application to the Registrar in such Form and make payment of such fees as are prescribed by the Statutes.

4. The Vice-Chancellor shall, after making such inquiry as he thinks fit, decide whether the person is entitled to be a registered graduate. If any question arises whether a person is entitled to have his name entered in the register of graduates or be a registered graduate or is not qualified to be a registered graduate it shall be decided by the Vice-Chancellor after making such inquiry as he thinks fit and his decision shall be final.

5. From amongst the persons registered as registered graduates, an electoral college shall be constituted for election of members of the Senate under clause (r) of sub-section (2) of Section 25, and for that purpose, an electoral roll shall be prepared as prescribed by publishing a Public Notice, requiring the registered graduates desirous of enrolling themselves in such electoral roll to fill in the prescribed Form for such enrolment."

3. The Petitioner's contention is that the Respondents were

wrongly refusing the Post Graduates from exercising their right to vote at the Senate election. The Petitioner himself is a graduate, having obtained his B.A. Degree from the first Respondent University. He therefore does not have any personal grievance as such.

4. It is important to note that the Petitioner, in paragraph 12 of the Petition has stated that the Writ Petition is filed by him on behalf of persons who have not obtained graduation degree from the Bombay University. He has also stated that over a thousand such Applicants have been refused enrolment/registration as registered graduates. It is pertinent to note that none of such aggrieved Applicants are parties to the present petition. In the facts and circumstances of the present case, therefore, we do not consider the Petitioner as being an aggrieved party.

5. In the circumstances, we do not consider it appropriate to express any opinion on the true construction of section 99 of the said Act in this Writ Petition. The Writ Petition is therefore dismissed.

CHIEF JUSTICE

S.J. VAZIFDAR, J.